



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2552

Introduced 2/18/2005, by Rep. Karen May

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-807 new
735 ILCS 5/2-808 new
30 ILCS 105/5.640 new

Amends the Code of Civil Procedure. Requires the court to determine the total amount payable to all class members of a class action lawsuit if all of the members are paid the amount to which they are entitled pursuant to the judgment. Provides that unpaid residue and the accrued interest on the unpaid residue shall be paid to nonprofit organizations or foundations to support projects that will benefit the class or similarly situated persons or that promote the law consistent with the objectives and purposes of the underlying cause of action. Provides that, if the class action was a consumer class action, then the court shall amend the judgment to direct the defendant to pay the sum of the unpaid residue and the interest on the unpaid residue to the Illinois Class Action Environmental Trust Fund. Creates the Class Action Board. Grants the Board the authority to promulgate rules governing the allocation of monies received pursuant to the Act. Amends the State Finance Act to create the Illinois Class Action Environmental Trust Fund. Effective immediately.

LRB094 08257 LCB 38445 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by adding
5 Sections 2-807 and 2-808 as follows:

6 (735 ILCS 5/2-807 new)

7 Sec. 2-807. Unpaid residue.

8 (a) It is the intent of the General Assembly in enacting
9 this Section to ensure that the unpaid residue in class action
10 litigation is distributed, to the extent possible, in a manner
11 designed either to further the purposes of the underlying cause
12 of action or to promote justice for all citizens of the State
13 of Illinois. The General Assembly finds that the use of funds
14 collected pursuant to this Section for these purposes is in the
15 public interest, is a proper use of the funds, and is
16 consistent with essential public and governmental purposes.

17 (b) Except as provided in subsection (c), prior to the
18 entry of any judgment in a class action maintained pursuant to
19 Section 8-802 of this Act, the court shall determine the total
20 amount payable to all class members if all class members are
21 paid the amount to which they are entitled pursuant to the
22 judgment. The court shall set a date when the parties shall
23 report to the court the total amount that was actually paid to
24 the class members. After a report is received, the court shall
25 amend the judgment to direct the defendant to pay the sum of
26 the unpaid residue, plus interest on that sum at the legal rate
27 of interest from the date of entry to the initial judgment, to
28 nonprofit organizations or foundations to support projects
29 that will benefit the class or similarly situated persons or
30 that promote the law consistent with the objectives and
31 purposes of the underlying cause of action. If the class action
32 litigation was brought pursuant to any Illinois statute that

1 gives consumers a right to sue, then the court shall amend the
2 judgment to direct the defendant to pay the sum of the unpaid
3 residue, plus interest on that sum at the legal rate of
4 interest from the date of entry of the initial judgment, into
5 the Illinois Class Action Environmental Trust Fund, which is
6 created as a special Fund in the State treasury. The court
7 shall ensure that the distribution of any unpaid residue
8 derived from multistate or national cases brought under an
9 Illinois law shall provide substantial or commensurate benefit
10 to Illinois consumers.

11 (c) This Section does not apply to any class action brought
12 against any public entity or any public employee. This Section
13 shall not be construed to abrogate any equitable or cy pres
14 remedy that may be available in any class action with regard to
15 all or part of the residue.

16 (d) The Illinois Class Action Environmental Trust Fund
17 shall, subject to appropriation, be allocated pursuant to this
18 Section.

19 (735 ILCS 5/2-808 new)

20 Sec. 2-808. Class Action Board. There is hereby created the
21 Class Action Board. The Board shall be chaired by the
22 Lieutenant Governor and also include the Director of Public
23 Health, the Director of Agriculture, the Director of Natural
24 Resources, and the Director of the Environmental Protection
25 Agency, or their designees. The Board shall have the authority
26 to promulgate rules governing the allocation of monies received
27 pursuant to Section 2-807.

28 Section 5.640. The State Finance Act is amended by adding
29 Section 5.640 as follows:

30 (30 ILCS 105/5.640 new)

31 Sec. 5.640. The Illinois Class Action Environmental Trust
32 Fund.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.